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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,738	10/20/2000	Fumio Takahashi	Q61378	3763

7590

08/22/2003

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EXAMINER

MAKI, STEVEN D

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/673,738

Applicant(s)

TAKAHASHI, FUMIO

Examiner

Steven D. Maki

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 05 August 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: new issues: see advisory action attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see advisory action attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 8-22.

Claim(s) withdrawn from consideration: 1 and 3-7.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8-5-03.
10. ☐ Other: _____

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advisory action attachment

new issues

In claim 8, changing "in such a manner that the height of the block gradually decreases toward the block end edge and also toward a central portion of the block" to --so that the height of the block gradually and continuously decreases from a top of the peripheral protuberant portion to the block end edge and from the top of the peripheral protuberant portion to a maximum depth portion in a central region of the block--.

IDS filed 8-5-03

The references listed on the PTO 1449 filed 8-5-03 have already been considered by the examiner. In the first office action, examiner stated: "The references listed on the PCT search report dated 5-23-00 have been considered" (page 6 of office action mailed 6-26-02). The PTO 1449 filed 8-5-03 lists the same references as those listed on the PCT search report dated 5-23-00.

remarks

Applicant's arguments with respect to Marriott and Japan '810 relate to the above identified new issue. The rejections based on Marriott as set forth in paragraphs 3 and 4 of the last office action and the rejections based on Japan '810 as set forth in paragraphs 5 and 6 of the last office action stand for the reasons given in the last office action.

Applicant argues that one of ordinary skill in the art would not have been motivated to modify Kamegawa with Europe '403 since these references are contradictory with each other. Kamegawa's object of *uniformizing ground contact*

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pressure is not contradictory with Europe '403's object of *uniformizing ground contact pressure*. Kamegawa's teaching to modify the upper surface of the block between the edges of the block (shape the block upper surface) is not contradictory with Europe '403's teaching to modify the block at the edges of the block (round the block corners). In other words, Kamegawa and Europe '403 modify different regions of the block so as to obtain the same result of uniformizing ground contact pressure instead of modifying the same region so as to obtain contradictory results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is 703-308-2068. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Steven D. Maki
August 22, 2003


STEVEN D. MAKI 8-22-03
PRIMARY EXAMINER
GROUP 1300
A 1733